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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,856	06/19/2003	Kirby L. Kuehl	CSCO-6886	8485
7590 04/18/2007 WAGNER, MURABITO & HAO LLP Third Floor Two North Market Street San Jose, CA 95113			EXAMINER PATEL, CHIRAG R	
			ART UNIT 2141	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/18/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/600,856

Applicant(s)

KUEHL ET AL.

Examiner

Chirag R. Patel

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. 'Computer readable medium' is directed to non-statutory subject matter and fails to meet a statutory category of invention.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Babu et al. – hereinafter Babu (US 6,122,639).

As per claims 1, 13, 25, 36 and 41 Babu discloses a method for tracking entities in a computer network, comprising:

a) receiving node information for a node coupled to a computer network; (Col 2 line 62- Col 3 line 4)

b) determining whether an entity associated with said node has been

Art Unit: 2141

previously identified in said computer network; (Col 15 lines 53-63)

c) linking said node information to an existing database entry for said entity if said entity has been previously identified in said computer network; and (Col 16 lines 5-10)

d) creating a new database entry for said entity if said node has not been previously identified in said computer network and linking said node information to said new database entry for said entity. (Col 15 lines 64-67)

As per claims 2, 14, 37 and 42 Babu discloses the method of Claim 1, wherein said b) comprises:

b) determining if a unique identifier from said node information matches a unique identifier for said entity in said database. (Col 13 lines 30-62)

As per claims 3, 15, 31, 38 and 43 Babu discloses the method of Claim 2, wherein said unique identifier comprises a security identifier. (Col 14 lines 62 – Col 15 line 6)

As per claims 4, 16 and 32, Babu discloses the method of Claim 2, wherein said unique identifier comprises a serial number. (Col 14 line 62 – Col 15 line 6)

Art Unit: 2141

As per claims 5 and 17, Babu discloses the method of Claim 1, wherein said b) further comprises determining if a mediaaccess control (MAC) address from said node information matches a MAC address in said database, if there is not a unique identifier for said entity in said node information. (Col 16 lines 47-54)

As per claims 10 and 22, Babu discloses the method of claim 1, wherein said entity is computer system running a particular operating system. (Col 28 lines 28-35)

As per claims 11 and 23, Babu discloses the method of claim 1, wherein said entity is a user of said computer network. (Col 9 lines 44-60)

As per claims 12 and 24, Babu discloses the method of claim 1, wherein said entity is a computer system. (Col 20 line 54 – Col 21 line 4)

As per claims 18, 39, and 44, Babu discloses the computer readable medium of Claim 17, wherein said b) of said method further comprises determining if a computer name from said node information matches a computer name associated with said MAC address in said database. (Col 13 lines 30-62, Col 15 lines 53-63)

As per claim 26, Babu discloses the method of Claim 25, wherein said

multiple identifiers comprise a media access control (MAC) address. (Col 16 lines 47-54)

As per claim 27, Babu discloses wherein said multiple identifiers further comprise a computer name. (Col 13 lines 58-62)

As per claim 33, Babu discloses further comprising: f) returning an identifier for an entity in response to a request including a node identifier. (Col 19 lines 28-52)

As per claim 34, Babu discloses the method of Claim 25, further comprising:
f) returning identifiers for all nodes associated with an entity in response to a request including an entity identifier. (Col 19 lines 28-52)

As per claim 35, Babu discloses the method of Claim 25, further comprising:
f) returning node information in response to a request for said node information including a node identifier. (Col 19 lines 28-35)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7, 9, 19, 21, 28, 40 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Babu (US 6,122,639) in view of Bahl (US 7,146,418).

As per claim 6, Babu discloses the method of claim 5. Babu fails to disclose wherein said b) further comprises determining if a IP (Internet Protocol) address from said node information matches a computer name associated with said MAC address in said database. Bahl discloses determining if a IP (Internet Protocol) address from said node information matches a computer name associated with said MAC address in said database. (Col 7 line 65 – Col 8 line 14) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose determine if a IP address from node information matches a computer name associated with said MAC address in the disclosure of Babu. The motivation for doing do would have been to maintain communication continuity when a mobile device moves around. (Col 1 lines 26-40).

As per claims 7, 19 and 28, Babu discloses the method of claim 6. Babu fails to disclose wherein said b) further comprises determining if a domain name from said

Art Unit: 2141

node information matches a domain name associated with said MAC address and said computer name in said database. Bahl discloses determining if a domain name from said node information matches a domain name associated with said MAC address and said computer name in said database. (Col 6 lines 9-40). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose determining if a domain name from said node information matches a domain name associated with said MAC address and said computer name in said database in the disclosure of Babu. The motivation for doing so would have been to provide a higher level of abstraction than an address and can stay constant while the mobile host or the remote application changes its address due to mobility. (Col 6 lines 9-40)

As per claims 9, 21, 40 and 45, Babu discloses the method of claim 1, wherein said b) further comprises:

bi) determining if a computer name from said node information matches a computer name in said database; and (Col 15 lines 53-63) Babu fails to disclose b2) determining if a domain name from said node information matches a domain name associated with said computer name in said database. Bahl discloses determining if a domain name from said node information matches a domain name associated with said computer name in said database. (Col 6 lines 9-40) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose determining if a domain name from said node information matches a domain name associated with said computer name in said database in the disclosure of Babu. The

Art Unit: 2141

motivation for doing do would have been to provide a higher level of abstraction than an address and can stay constant while the mobile host or the remote application changes its address due to mobility. (Col 6 lines 9-40)

Claims 8, 20 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Babu (US 6,122,639) / Bahl (US 7,146,418) further in view of Romohr (US 5,596,723).

As per claim 8, 20, 29 Babu/Bahl disclose the method of claim 6. Babu fails to disclose wherein said b) further comprises determining if an operating system from said node information matches an operating system associated with said MAC address and said computer name in said database. Romohr discloses determining if an operating system from said node information matches an operating system associated with said MAC address and said computer name in said database. (Col 7 lines 36-51) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to discloses determining if an operating system from said node information matches an operating system associated with said MAC address and said computer name in said database in the disclosure of Babul. The motivation for doing do would have been to automatically configure itself to the most prevalent network operating system and frame type used on the network. (Col 7 lines 36-51)

As per claim 30, please see the discussion under claims 26 and 27 as the same rationale applies.


Art Unit: 2141

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R. Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 7:30AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER